

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Cr. No. 05-1849 JH

DANA JARVIS,

Defendant.

**STIPULATED MOTION TO EXTEND DEADLINE FOR DEFENDANT'S RESPONSE
TO GOVERNMENT'S MOTION FOR INTERLOCUTORY SALE [Doc. No. 664]
AND UNOPPOSED RENEWAL OF MOTION TO CONTINUE HEARING ON NEW
GROUNDS**

Defendant Dana Jarvis, by and through counsel, Joe M. Romero, Jr. and Jody Neal-Post, in agreement with the United States, AUSA James Braun, hereby move the Court for an Order extending the deadline of September 18, 2006 for Defendant's Response to the government's Motion for Interlocutory Sale of Real Property & Liquor License No. 2599 [Doc. No. 664] to September 21, 2006 and further request the setting for the hearing set for September 20, 2006 [Doc. No. 672] to be reset one week later to allow the United States to reply if it wishes, and as the Court's docket allows. As grounds, Defendant Jarvis states:

1. The Motion by USA for Interlocutory Sale of Real Property & Liquor License No. 2599 [Doc. No. 664] was filed on August 30, 2006. Accordingly, Defendant has until September 18, 2006 to file his response.

2. Mr. Jay Lambros is a principal of Harlow's On the Hill, which currently operates under a lease agreement involving the subject property and liquor license.

3. On September 13, 2006, undersigned co-counsel had a 10:00 a.m. appointment

scheduled with Mr. Lambrose for the purpose of securing his Affidavit in support of the factual basis for Defendant's already drafted Response to the Government's Motion for Interlocutory Sale of the Subject Property.

4. However, earlier in the morning on September 13, 2006, at approximately 5:30 a.m., law enforcement executed an arrest warrant for Mr. Jay Lambros on an alleged misdemeanor violation.

5. Mr. Lambros notified undersigned counsel he was in custody at approximately 9:12 a.m. in a call placed from the Metropolitan Detention Center. Mr. Lambros was being held on a no-bond hold through the end of the work day September 13, 2006, and undersigned counsel do not have access to Mr. Lambros and it is unknown when, or if, this condition will change.

6. Additionally, it is unknown whether Mr. Lambros will now be providing an affidavit to Mr. Jarvis regarding the Harlow's property, until Mr. Lambros obtains counsel and undersigned counsel can seek an affidavit through Mr. Lambros' counsel, in light of Mr. Lambros' Fifth-Amendment Rights under the United States Constitution.

7. Finally, undersigned co-counsel for Mr. Jarvis' forfeiture and money laundering matters, Ms. Neal-Post, was already registered, has paid and is scheduled to attend a CLE course beginning on September 14, 2006 and ending on September 17, 2006.

8. While undersigned co-counsel performed due diligence in completing Defendant's Response *before* the CLE, these new conditions have created the need for counsel to address the changes in the underlying and developing factual situation related to Mr. Jarvis' Response on the matter of the interlocutory sale of the property leased to Mr. Lambros.

9. AUSA James R.W. Braun agrees and stipulates to the requested extension of time for Defendant's Response to be moved to September 21, 2006, with the provision that Defendant Jarvis

will serve his response by fax rather than mail.

10. As for the hearings previously set for September 20, 2006, the Parties agree that it will be most expeditious for the Court if these hearings remain set together.

11. AUSA James R.W. Braun concurs in Mr. Jarvis' request for a short continuance in the setting of the September 20, 2006 hearings to the following week, such that the United States has time to reply if it so wishes.

WHEREFORE, Defendant Jarvis respectfully requests that that Court enter an Order extending the deadline for Defendant's Response to the government's Motion for Interlocutory Sale [Doc. No. 664] to the date agreed upon by the Parties of September 21, 2006 with Mr. Jarvis agreeing to service by fax, also requesting a continuance of the September 20, 2006 setting to the following week, allowing the United States time to reply if it so wishes.

Respectfully submitted:

Electronically filed 9/14/06

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I hereby certify that a true and correct copy of the foregoing was faxed to opposing counsel, AUSA James Braun, on September 14, 2006.

Electronically filed 9/14/06

Joe M. Romero, Jr.